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1900

# SUPREME COURT

OF THE

STATE OF CALIFORNIA.

# RULES OF THE COURT.

GEO. W. ROOT, Clerk.

Parrott Building,

825 Market Street, San Francisco.

SACRAMENTO:

A. J. JOHNSTON, : : : SUPT. STATE PRINTING.

1900.

Copy!



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# SUPREME COURT.

## CHIEF JUSTICE:

HON. W. H. BEATTY.

## ASSOCIATE JUSTICES:

HON. T. B. MCFARLAND,  
HON. RALPH C. HARRISON,  
HON. C. H. GAROUTTE,  
HON. JACKSON TEMPLE,  
HON. F. W. HENSHAW,  
HON. WALTER VAN DYKE.

## COMMISSIONERS:

HON. JOHN HAYNES,  
HON. N. P. CHIPMAN,  
HON. WHEATON A. GRAY,  
HON. J. A. COOPER,  
HON. G. H. SMITH.

## OFFICERS OF THE COURT:

TIREY L. FORD.....	Attorney-General.
C. N. POST.....	Assistant Attorney-General.
GEO. A. STURTEVANT.....	Deputy Attorney-General.
WM. M. ABBOTT.....	Deputy Attorney-General.
A. A. MOORE, JR.....	Deputy Attorney-General.
GEO. W. ROOT.....	Clerk.
A. W. JOHNSON.....	Chief Deputy Clerk, San Francisco.
J. J. DUNCAN.....	Deputy Clerk, San Francisco.
A. E. HORNLEIN.....	Deputy Clerk, San Francisco.
F. T. BARNET.....	Deputy Clerk, San Francisco.
N. DAROUX.....	Deputy Clerk, Sacramento.
H. G. SIMPSON.....	Deputy Clerk, Los Angeles.
C. P. POMEROY.....	Reporter.
H. L. GEAR.....	Assistant Reporter.
H. C. FINKLER.....	Secretary.
R. A. MARSHALL.....	Secretary.
D. B. WOLF.....	Secretary to Commissioners.
E. A. GIRVIN.....	Phonographic Reporter.
L. A. WASHBURN.....	Reporter.
EZRA E. WASHBURN.....	Bailiff.
A. W. POOLE.....	Bailiff.
BENJAMIN EDSON.....	Librarian.

## TERMS OF COURT.

The Supreme Court meets at the following places, viz.:

AT THE CITY OF SAN FRANCISCO:

On the second Monday in January and on the third Monday in July.

AT THE CITY OF LOS ANGELES:

On the first Monday in April and on the second Monday in October.

AT THE CITY OF SACRAMENTO:

On the first Monday in May and on the second Monday in November.

## DEPARTMENTS.

W. H. BEATTY, Chief Justice, Presiding

*When sitting in Bank or Department.*

### DEPARTMENT ONE.

RALPH C. HARRISON .....Justice presiding.  
C. H. GAROUTTE.....Justice.  
WALTER VAN DYKE.....Justice.

### DEPARTMENT TWO.

T. B. McFARLAND .....Justice presiding.  
JACKSON TEMPLE.....Justice.  
F. W. HENSHAW.....Justice.

## DISTRICTS.

The following Counties comprise the District of San Francisco: Alameda, Contra Costa, Del Norte, Fresno, Humboldt, Lake, Marin, Mariposa, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma.

The following Counties comprise the District of Los Angeles: Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

The following Counties comprise the District of Sacramento: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Kings, Lassen, Madera, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.



RULES  
OF THE  
SUPREME COURT  
OF THE  
STATE OF CALIFORNIA.

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RULE I.

ADMISSION OF ATTORNEYS.

1. Applicants for license to practice as attorneys and counselors will be examined in open Court on the first day of each regular term, and on that day only. Until further order the examination will be based upon the following books: Blackstone's Commentaries, Kent's Commentaries, Greenleaf's Evidence (first volume), Story's Equity Jurisprudence, Gould's Pleading, Lube's Equity Pleading, Parsons on Contracts, Pomeroy's Introduction to Municipal Law, Code of Civil Procedure, Civil Code, Constitutions of the United States and of the State of California. Persons applying for admission, whether upon examination or motion, must personally appear in Court at the time the application for admission is made. No applicant will be examined unless there shall have been filed with the Clerk of the Court, before the first day of the term at which the application is made, a certificate signed by at least two attorneys of the Court, each of whom shall have been regularly engaged in practice as such attorney for at least four years next theretofore, stating, in substance, that they have, and that each of them has, carefully and diligently examined the applicant touching the qualifications of such applicant in point of learning in the law; that it satisfactorily appeared to them, and to each of them, upon such examination, that the applicant had been engaged in the study of the law for a period of time to be named in the certificate, naming the place at which, and the person under whom, if any, such study had been prosecuted; that the applicant had, during that time, read certain books of law, which books shall be enumerated in the certificate; and stating any other fact tending to show the character of the attainments of the applicant, and also stating that, in their opinion, the applicant possesses the requisite qualifications in point of learning in the law, to be entitled to be admitted to practice.

FEE.

2. The fee for license must, in all cases, be deposited with the Clerk of the Court before the application is made, to be returned to the applicant in case of rejection.

REJECTION.

3. No person rejected shall be at liberty to renew the application earlier than the third regular term next after such rejection.

RULE II.

TRANSCRIPT.

1. The appellant in a civil action shall, within forty days after the appeal is perfected and the bill of exceptions and the statement (if there be any) are settled, serve and file the printed transcript of the record, duly certified to be correct by the attorneys of the respective parties, or by the Clerk of the Court from which the appeal is taken.

EVIDENCE OF SERVICE.

2. Written evidence of the service, upon the adverse party, of the transcript shall be filed therewith.

EXTENSION OF TIME.

3. The time above limited may be extended by stipulation, but shall not be extended by the Court more than twenty days; and such extension of time shall be granted only upon good cause shown by affidavit.

BRIEFS.

4. Thirty days after the filing of the transcript, and in cases where the transcript shall be on file at the date when this rule takes effect, then, within thirty days after such date, the appellant shall file with the Clerk his printed points and authorities, and with it proof of the service of one copy thereof upon the attorney or attorneys of each respondent who shall have appeared separately in the Superior Court. Within thirty days after the service of appellant's points and authorities, the respondent shall file and serve his printed points and authorities; and within ten days after service of respondent's points the appellant may file a reply.

In criminal cases the appellant shall file his points and authorities (with proof of service of a copy thereof on the Attorney-General) within ten days after the filing of the transcript. The Attorney-

General shall file and serve his points and authorities within ten days after service upon him of the appellant's points, and within five days thereafter the appellant may file and serve a reply. Such points and authorities may be either printed or written.

#### EXTENSION OF TIME ON BRIEFS.

5. The time above limited for filing points and authorities shall not be extended except by order of the Court upon stipulation of the parties, or an affidavit showing good cause therefor, and in no case for more than twenty days. No brief shall be filed after oral argument.

#### EIGHTEEN COPIES OF TRANSCRIPT AND POINTS TO BE FILED.

6. Besides the original there shall be filed seventeen copies of the transcript, and points and authorities, which copies shall be distributed by the Clerk in the manner prescribed by law, and one copy to the Law Library at Los Angeles.

#### TRANSCRIPT IN CRIMINAL CAUSES.

7. In criminal causes, the printed transcript of the record shall be prepared and filed within thirty days after the appeal is taken. (See Rule VII, Part 2.)

#### DISPOSITION OF PAPERS.

8. Copies of all printed papers, points, and briefs filed in the Supreme Court in any matter appealed thereto, must be deposited with the Clerk of the Court from which the appeal is taken; and the copies so deposited shall, by said Clerk, be delivered to the Judge who presided at the trial of the cause in the lower Court.

### RULE III.

#### SUBMISSION OF CAUSES.

The parties may at any time stipulate that a cause be submitted upon printed points and authorities on file, and the Clerk shall immediately place such cause upon a list of cases to be so submitted, and the Court may, at any time thereafter, order the submission of the same.

### RULE IV.

#### CALENDAR FOR ORAL ARGUMENT.

Thirty days before the commencement of a term, the Clerk shall, unless otherwise ordered by the Court, place on the calendar for oral argument all cases which have been continued from the previous term for such argument, and also, in the order in which the transcripts were filed, all cases in which points and authorities are on file and in which there is no stipulation to submit on briefs.

### RULE V.

#### DISMISSAL OF APPEAL.

If the transcript of the record or appellant's points and authorities be not filed within the time prescribed, the appeal may be dismissed, on motion, upon notice given. If the transcript, or the points and authorities, though not filed within the time prescribed, be on file at the time such notice is given, that fact shall be sufficient answer to the motion. If the respondent shall not file his points and authorities within the time allowed therefor, the cause may be submitted for decision upon the motion of the appellant, on notice thereof to the respondent.

### RULE VI.

#### CERTIFICATE OF CLERK ON MOTION TO DISMISS.

1. On motion to dismiss an appeal for a failure to file the transcript within the prescribed time, there shall be presented the certificate of the Clerk below, under the seal of the Court, certifying the amount or character of the judgment or order appealed from, the date of its rendition, the fact and date of the filing of the notice of appeal, together with the fact and date of service thereof on the adverse party, and the character of the evidence by which said service appears; the fact and date of filing an undertaking on appeal, and that the same is in due form; the fact and the time of the settlement of the bill of exceptions and statement on appeal, if there be any; and also that the appellant has received a duly certified transcript, or that he has not requested the Clerk to certify to a correct transcript of the record, or if he has made such a request, that he has not paid the fees therefor, if the same have been demanded.

#### AFFIDAVITS.

2. On motion to dismiss the appeal on any other ground than the failure to file transcript within the prescribed time, the moving papers shall consist of the certificate of the Clerk of the Court below, as to any of the matters above mentioned, or of affidavits, or both such certificate and affidavits.

#### SERVICE OF MOVING PAPERS.

3. Copies of the moving papers, except the transcript, shall be served with notice of the motion.

#### DISMISSAL OF APPEAL.

4. If an appeal be taken and perfected in the form required by statute, after the expiration of the time limited by law for the taking of such appeal, the respondent may, under the provisions of this rule, move to dismiss such appeal on that ground, whether the time for filing the transcript has expired or not.

RULE VII.

PRINTING OF TRANSCRIPT.

1. All transcripts of records in civil cases shall be printed on unruled white writing paper, ten inches long by seven inches wide, with a margin on the outer edge of not less than two inches wide. The printed pages, exclusive of any marginal note or reference, shall be seven inches long and three and one half inches wide. The folios, embracing ten lines each, shall be numbered from the commencement to the end, and the numbering of the folio shall be printed on the left margin of the page. Small pica, solid, is the smallest letter and most compact mode of composition allowed.

TRANSCRIPTS IN CRIMINAL CASES PRINTED.

2. Transcripts in criminal cases are to be printed in accordance with the provisions of Section 1246 of the Penal Code, as amended March 19, 1889.

RULE VIII.

INDEX AND ARRANGEMENT OF TRANSCRIPT.

The pleadings, proceedings, and statement shall be chronologically arranged in the transcript, and each transcript shall be prefaced with an alphabetical index, specifying the folio of each separate paper, order, or proceeding, and of the testimony of each witness; and the transcript shall have at least one blank fly-sheet cover. The *chronological arrangement* of the several parts of the transcript, and a strict compliance with the other requirements of this rule, will be exacted of the appellant or party filing the record here in all cases, by the Court, whether objection by the opposite party be made or not; and for any failure or neglect in these respects, which is found to obstruct the examination of the record, the appeal may be dismissed.

RULE IX.

MAPS.

Whenever a map or survey forms part of the transcript, it shall not be necessary to furnish more than one copy thereof, which shall be annexed to the transcript filed with and certified by the Clerk, and reference thereto shall be made in the other copies.

RULE X.

PENALTY.

No transcript, or other paper or document, which fails to conform to the requirements of these rules, shall be filed by the Clerk.

RULE XI.

TRANSCRIPT, SERVICE AND CERTIFICATE.

Before the printed transcript (in cases in which a printed transcript is required) is filed, a copy thereof shall be served upon the adverse party, and if there be more than one adverse party appearing by different attorneys, upon the attorney of each party so appearing. If a party shall present to the attorney of the adverse party a transcript on appeal, in a civil cause, and request his certificate that the same is correct, and said attorney, upon such request, shall, for a period of five days, neglect or refuse to join in such certificate, or, if deemed incorrect, shall neglect or refuse, for the same time, to serve upon the party making the request a written statement of the particulars in which the transcript is incorrect, or, upon the presentation of the transcript corrected in the particulars thus specified, shall still neglect or refuse for a period of two days to join in such certificate, the costs of procuring the certificate to such transcript from the Clerk of the proper Court shall be taxed against the party whose attorney so neglects or refuses.

RULE XII.

CLERK MAY PRINT TRANSCRIPTS AND CERTIFY TO SAME.

1. The written transcript in civil causes, authenticated in the mode prescribed by Rule XI, together with sufficient funds to pay the expenses of printing the same, may be transmitted to the Clerk of this Court. The Clerk, upon the receipt thereof, shall file the same and cause the transcript to be printed and to a printed copy shall annex his certificate that the said printed transcript is a full and correct copy of the transcript furnished to him by the party; and said certificate shall be *prima facie* evidence that the same is correct. The said printed copy so certified shall also be filed, and constitute the record of the cause in this Court, subject to be corrected by reference to the written transcript on file. Printed copies thereof shall be furnished as provided in Rule II; and the Clerk shall also immediately transmit, by mail or express, copies to the attorneys of the adverse parties, and note such service on the original

POINTS WHERE CLERK PRINTS RECORD.

2. The time for filing points and authorities, in cases where the record is printed by the Clerk, shall commence to run from the filing of the printed copy of the transcript.

RULE XIII.

COST OF PRINTING.

The expense of printing transcripts on appeal in civil causes and pleadings, affidavits, or other papers constituting the record in original proceedings upon which the case is heard in this Court, required by these rules to be printed, shall be allowed as costs, and taxed in bills of costs in the usual mode.

## RULES OF THE SUPREME COURT.

## RULE XIV.

## SUGGESTION OF DIMINUTION OF RECORD.

For the purpose of correcting any error or defect in the transcript, either party may suggest the same in writing, and upon good cause shown, obtain an order that the proper Clerk certify to this Court the whole or part of the record, as may be required, or may produce the same duly certified without such order. If the attorney or counsel of the adverse party be absent, or the fact of the alleged error or defect be disputed, the suggestion, except when a certified copy of the omitted record is produced at the time, must be accompanied by an affidavit showing the existence of the error or defect alleged.

## RULE XV.

## EXCEPTIONS TO TRANSCRIPT.

Exceptions or objections to the transcript, statement, the bond or undertaking on appeal, the notice of appeal, or to its service, or any technical exception or objection to the record in civil cases, affecting the right of the appellant to be heard on the points of error assigned, which might be cured on suggestion of diminution of the record, must be taken and notified to the appellant, in writing, at least five days before the hearing, or they will not be regarded; and when so noted, it shall be the duty of the appellant to present and file at the hearing of the cause such additional record, certificate, or other matter, if such there be, to remove or answer the objection or exception so taken; otherwise such objection or exception, if well taken, shall prevail.

## RULE XVI.

## SUGGESTION OF DEATH OF PARTY.

Upon the death or other disability of a party, pending an appeal, his representative shall be substituted in the suit by suggestion, in writing, on the part of such representative, or of any party on the record. Upon the entry of such suggestion, an order of substitution will be made, and the cause shall proceed as in other cases.

## RULE XVII.

## CALENDAR.

Criminal causes shall be placed at the head of the calendar. Other causes shall be arranged on the calendar as the Chief Justice of the Court may direct.

## RULE XVIII.

## PRINTING OF POINTS, ETC.

In all cases where a paper or document is required by these rules to be printed, it shall be printed upon similar paper and in the same style and form (except the numbering of the folios in the margin) as is prescribed for the printing of transcripts.

## RULE XIX.

## ORAL ARGUMENT.

No more than one counsel on a side will be heard upon the argument, except in peculiar and important cases; but each defendant who has appeared separately in the Court below may be heard through his own counsel. The counsel of each party to a case appealed shall be allowed only one hour, unless an extension of time be obtained from the Court before the argument is commenced, and in an original proceeding such time as shall be fixed by the Court before the commencement of the argument.

## RULE XX.

## MOTIONS AND APPLICATIONS—TIME FOR SERVICE OF NOTICE.

1. In all cases where notice of a motion is necessary, unless for good cause shown the time is shortened by the Court, the notice shall be ten days.

## HEARING OF MOTIONS AND OTHER APPLICATIONS.

2. For the purpose of hearing motions and other applications of which notice is required to be given, each department will be in session on the first Monday in each month, at 10 o'clock A. M.

## RULE XXI.

## OPINION TRANSMITTED WITH REMITTITUR.

When a judgment is reversed, or modified, a certified copy of the opinion in the case shall be transmitted, with the remittitur, to the Court below.

## RULE XXII.

## WITHDRAWAL OF TRANSCRIPT, ETC.

No paper shall be taken from the Court-room or Clerk's office, except by order of the Court. No order will be made for leave to withdraw a transcript for examination, except upon leaving with the Clerk a written receipt therefor.

RULE XXIII.

COSTS.

When causes are placed upon the calendar, parties shall be primarily liable for costs as follows:

*First*—If by the appellant, he shall first be liable.

*Second*—If by the respondent, or by consent, then both parties.

In civil cases the Clerk shall not be required to remit the final papers until the costs are paid. In all cases in which the judgment or order appealed from is reversed or modified, and the order of reversal or modification contains no directions as to costs of appeal, the Clerk will enter upon the record, and insert in the remittitur, a judgment that the appellant recover the costs of appeal.

RULE XXIV.

DISMISSAL OF APPEAL ON STIPULATION.

An appeal or writ of error may be dismissed at any time, upon and in accordance with the written stipulation of the attorneys of record of the respective parties; and upon and in accordance with such stipulation, the Clerk shall enter such dismissal, and the remittitur shall issue thereon in accordance with the terms of such stipulation.

RULE XXV.

INSPECTION OF ORIGINAL PAPERS.

When the inspection of an original paper, which was offered in evidence in the Court below, is shown to be necessary to a correct decision of the appeal, the Court may order the Clerk of the Court below to transmit such original paper, if in his possession, to the Clerk of this Court; and if such paper be in the possession of a party to the action, he may produce the same on the hearing of the cause, or he may, upon motion and notice of the adverse party, be required to produce such paper on the hearing of the cause; and in default thereof, the Court will intend the paper to be, in all respects, as alleged by the opposite party.

RULE XXVI.

REASONS FOR ORIGINAL APPLICATION TO THIS COURT TO BE STATED.

1. If any application made to the Court for a writ of *mandamus*, *certiorari*, *prohibition*, *procedendo*, or for any prerogative writ to be issued in the exercise of its original jurisdiction, and for which an application might have been lawfully made to some other Court in the first instance, the affidavit or petition shall, in addition to the necessary matter requisite by the rules of law to support the application, also set forth the circumstances which, in the opinion of the applicant, render it proper that the writ should issue originally from this Court and not from such other Court—the sufficiency or insufficiency of such circumstances so set forth in that behalf will be determined by the Court in awarding or refusing the application. In case any Court, Judge, or other officer, or any Board or other tribunal in the discharge of duties of a public character, be named in the application as respondent, the affidavit or petition shall also disclose the name or names of the real party or parties, if any, in interest, or whose interest would be directly affected by the proceedings, and in such case it shall be the duty of the applicant obtaining an order for any such writ to serve or cause to be served upon such party or parties in interest a true copy of the affidavit or petition, and of the writ issued thereon, in like manner as the same is required to be served upon the respondent named in the application in the proceedings, and to produce and file in the office of the Clerk of this Court the like evidence of such service.

MEMORANDUM OF AUTHORITIES.

2. All *ex parte* applications to the Court for the issuance of writs in the exercise of its original jurisdiction shall be in writing and filed with the Clerk, and the same shall be accompanied by a memorandum of points and authorities upon which the application is made.

RETURN AND ISSUANCE OF WRIT.

3. Upon the return day of the alternative writ the respondent may make return, either by demurrer or by answer, or by both. If the return be by demurrer alone, and the demurrer is not sustained, the writ will be ordered to issue without further leave to answer.

STAY OF PROCEEDINGS.

4. When an application is made to this Court for an alternative writ, an order staying the proceedings of any Court or officer, until the return of the writ, will not be made *unless due* notice of the application for the writ shall have been given to all the parties interested in the proceedings.

RULE XXVII.

SETTLEMENT OF BILLS OF EXCEPTION ON DEATH OF JUDGE.

When the Judge before whom an action was tried is dead, or is removed from office, any unsettled bill of exceptions, or statement on motion for new trial therein, may be settled and certified by his successor in office; or, if he be disqualified, by the Judge of the same or an adjoining county. And when the Judge before whom an action was tried becomes disqualified, is absent from the State, or refuses to settle the bill of exceptions or statement on motion for a new trial, such bill of exceptions or statement may be settled and certified before a Judge of the same or an adjoining county.

## RULES OF THE SUPREME COURT.

## RULE XXVIII.

## APPLICATION TO HEAR CAUSE IN BANK.

1. Applications, made before or after judgment pronounced by a department, that a cause shall be heard and decided by the Court in bank, must be made upon printed petition, addressed to the Chief Justice or the Court, setting forth the question involved in the cause and the reasons why it should be heard by the Court in bank. If made before judgment, the petition must be filed with the Clerk of the Court at least ten days before the Clerk makes up the calendar. And if made after judgment is pronounced by either of the departments, within twenty days after such judgment. The times herein prescribed shall not be extended by the Chief Justice or any of the Associate Justices or the Court; and the Clerk shall not file a petition after such times have expired. In case of judgments, the petition shall operate as a stay of proceedings until it shall be determined.

## WAIVER OF ARGUMENT.

2. A cause submitted to a department without oral argument shall be deemed to be a waiver of an oral argument of the same in bank, if for any reason the same is thereafter ordered to be heard in bank; and when the order that the cause be heard in bank is made, the same shall be at once submitted for decision, unless otherwise ordered by the Court.

## RULE XXIX.

## AUTHENTICATION OF PAPERS.

In all cases of appeal to this Court from the orders of the Superior Courts, the papers and evidence used or taken on the hearing of the motion must be authenticated by incorporating the same in a bill of exceptions, except where another mode of authentication is provided by law.

## RULE XXX.

## REHEARINGS AND OPINIONS.

1. All orders granting rehearings, or for hearing in bank causes decided in departments, shall be signed by the members of the Court assenting thereto, and filed with the Clerk.

## APPROVAL OF COMMISSION OPINIONS.

2. The order of the Court approving an opinion of the Commission, and for judgment in accordance therewith, shall be signed by the members of the Court assenting thereto.

## OPINIONS WITHIN NINETY DAYS AFTER SUBMISSION.

3. Every opinion which shall have received the assent of a sufficient number of the members of the Court to order the judgment therein directed, shall be filed within ninety days after the submission of the cause in which such opinion is written.

## FILING OF OPINIONS.

4. Opinions will be filed in the office of the Clerk of the district where the Court may be in session at the time, but the opinion, if in a case submitted in another district, shall, after filing, be immediately transmitted by the Clerk to the Clerk's office of such district.

Ordered that the foregoing rules be, and the same are hereby adopted; that they be published in accordance with the provisions of the statute in that behalf, and the Clerk is directed to cause the said publication to be made by one insertion in one of the daily newspapers published in San Francisco, Los Angeles, and Sacramento, and that they take effect July 1, 1892, and that thereupon the rules heretofore made be abrogated.

Attest: L. H. BROWN, Clerk.  
APRIL 13, 1892.

BEATTY, C. J.  
HARRISON, J.  
PATERSON, J.  
SHARPSTEIN, J.  
DEHAVEN, J.  
GAROUTTE, J.

## RULE XXXI.

In all criminal cases, and in all other cases where the State or any officer thereof in his official capacity is a party, and in all cases to which any county may be a party, unless the interest of the county is averse to the State or to some officer thereof acting in his official capacity, no transcript on appeal or brief on behalf of the State or of such county or officer whom the Attorney-General is empowered to represent, shall be received or filed by the Clerk of this Court without proof of the service of such transcript or brief upon the Attorney-General. On such transcript or brief there shall not be printed the name of any person as attorney for the State or for such county or officer of the State, other than the name of the Attorney-General, without the order of this Court or the written consent of the Attorney-General first obtained.

Dated, September 4, 1896

Attest: T. H. WARD, Clerk.

BEATTY, C. J.  
GAROUTTE, J.  
HENSHAW, J.  
VAN FLEET, J.  
McFARLAND, J.  
TEMPLE, J.

## INDEX TO RULES.

	RULE.
Authentication of papers .....	29
Approval of Commission opinion .....	30
Admission of attorneys .....	1
Affidavits .....	4
Appeal, dismissals of .....	4
Appeal, dismissals of, on stipulation .....	24
Application to hear cause in bank, before and after judgment .....	28
Application to hear original proceedings .....	26
Argument, oral, and waiver of .....	19
Attorneys, admission of .....	1
Bank .....	28
Bill of exceptions, settlement of .....	27
Briefs .....	2
Calendar .....	17
Certificate on motion to dismiss appeal .....	6
Civil cases .....	21
Clerk may print transcript .....	12
Clerk to record opinions .....	30
Copies, eighteen to be filed .....	2
Costs .....	23
Costs of printing .....	13
Criminal cases .....	2, 31
Death of party .....	16
Diminution of record .....	14
Dismissal of appeal .....	5
Disqualification of Judges .....	27
Dismissal of appeal on stipulation .....	24
Evidence of service .....	2, 11
Exception to transcript .....	15
Extension of time .....	2
Fee for license .....	1
Filing points .....	2
Filing opinions .....	30
Index to transcript .....	8
Inspection of originals .....	25
Judge, disqualification of .....	27
Judgment, application after .....	28
Judgment, application before .....	28
License, fee for .....	1
Motions, hearing of .....	20
Maps .....	9
Motion to dismiss .....	4
Memorandum of authorities .....	26
Non-compliance with rules .....	10
Opinions .....	30
Opinions to be sent with remittitur .....	21
Oral argument .....	19
Originals, inspection of .....	25
Original proceedings .....	26
Penalty .....	10
Points, filing of .....	2
Points, printing of .....	18
Printing, cost of .....	13
Printing of transcript .....	7
Papers, authentication of .....	29
Reason for original application to be stated .....	26
Receipt to be left for papers .....	22
Record, diminution of .....	14

	RULE.
Rejection of applicants .....	1
Remittitur on dismissal .....	4
Remittitur, opinion to be sent with .....	21
Remittitur, to be sent with dismissal on stipulation .....	24
Reversal, opinion on, to be sent with remittitur .....	21
Rules, non-conformity with .....	10
Return and issuance of writ .....	28
Schedule of title .....	2
Service, evidence of .....	2
Service of transcript .....	11
Suggestion of death .....	16
Suggestion of diminution .....	14
Stay of proceedings .....	26
Submission of cause .....	3
Time .....	20
Transcript in civil cases .....	2, 7
Transcript in criminal cases .....	2, 7
Transcript, exception to .....	15
Transcript, service of .....	11
Transcript, withdrawal of .....	22
Withdrawal of transcript .....	22
Waiver of argument .....	28

### ATTORNEYS, PLEASE NOTICE.

On February 1, 1895, the system of numbering cases in the Supreme Court was changed, the old numbering being dropped and abolished, and the following system introduced:

All cases filed on and after February 1st, 1895, commence with the initial number; i. e., all cases in the San Francisco District are designated and numbered thus: S. F., No. 1, and so on; those of the Sacramento District, Sac., No. 1, and so on; those of the Los Angeles District, L. A., No. 1, and so on. All criminal cases are numbered: Criminal, No. 1, and so on.

This has no reference to cases already filed, which will retain their former numbers.

Attorneys will please have the designation of the District printed on their transcripts, briefs, points and authorities, etc., and will please file them in the office of the Court in the District where they belong. All criminal cases should be sent to the San Francisco office.

To facilitate matters it is advisable to file all petitions for rehearing in the San Francisco office.

Petitions in original proceedings must be filed in the office of the Clerk before presenting to the Court for the order.

Your attention is particularly called to Rules II and XI, and especially to Rule X, relative to the filing and service of papers.

Attorneys are requested, when filing type-written documents, to file the original, or plainest copy, as the Court is much averse to having blurred or dim copies submitted to it.

GEO. W. ROOT, Clerk of the Supreme Court.

### ORDER AMENDING ORDER RELATING TO EXAMINATIONS OF APPLICANTS FOR ADMISSION TO PRACTICE LAW.

Applicants for admission to practice law will not hereafter be examined in open court at the sessions held in Sacramento and San Francisco. In pursuance of the amendment to Section 276 of the Code of Civil Procedure, the Commissioners of the Supreme Court, or any three of them, are hereby designated to conduct public examinations of all persons who present applications filed in due form. Such examinations will be held at the Supreme Court rooms in San Francisco on the second Monday in March, June, September, and December of each year. No person rejected shall be at liberty to renew the application earlier than the second regular examination next after such rejection. Until otherwise ordered, applicants who are *bona fide* residents of any of the counties of the Los Angeles District will, if they so desire, be examined at the beginning of each session of the court in Los Angeles, as heretofore.

The next examination will be held December 11, 1899.

Attest: GEO. W. ROOT, Clerk.  
NOVEMBER 1, 1899.

BEATTY, C. J.  
HARRISON, J.  
GAROUTTE, J.  
McFARLAND, J.  
TEMPLE, J.  
HENSHAW, J.

### FEES.

The following are the fees established by a recent Act of the Legislature, and will be in force in the future:

Filing transcript on appeal, civil cases only .....	\$10 00
Filing petition for rehearing .....	2 50
Filing motion to dismiss appeal .....	2 50
Original proceedings .....	7 50
Extension of time to file transcript .....	50
Certificate of admission as attorney .....	10 00
Writ of error to Supreme Court of the United States, each paper .....	25
Making record in writs of error to Supreme Court of the United States, per folio .....	10
Copies of any record or document, per folio .....	10
Comparing any document requiring a certificate, per folio .....	05
Each certificate of Clerk, under seal .....	1 00

NOTE—Please make checks for fees payable on San Francisco banks.

GEO. W. ROOT, Clerk of the Supreme Court.



## FORM OF APPLICATION FOR ADMISSION TO PRACTICE LAW.

TO THE HON. THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT:

The undersigned respectfully applies for admission to practice as an attorney and counselor at law in all courts of this State, if found qualified upon examination. I am ..... years of age, a citizen of the United States, and reside at ..... Herewith I present the certificate required by the rule of the Supreme Court and Section 276 of the Code of Civil Procedure.

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Signature of Applicant.

Dated.....

In the Matter of the Application of

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to be admitted to practice.

TO THE HON. THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

We, the undersigned attorneys of your honorable Court, respectfully certify that we are, and each of us has been, duly licensed and regularly engaged in practice therein for the period of four years last past; that we have, and each of us has, carefully and diligently examined ....., the above named applicant, touching his qualifications in point of learning in the law, to be admitted to practice; that it satisfactorily appears to us and each of us upon such examination that the said applicant has been engaged in the study of the law for the period of ..... years at ..... under the supervision of .....\*; that said applicant has during said period read the following books of law, viz.: \*\* .....

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that said applicant is known to us to be a person of good moral character, and in our opinion possesses the requisite qualifications in point of learning in the law to be entitled to admission to practice.

Witness our hands the ..... day of ....., 18.....

\* NOTE.—This may be omitted if the applicant has not studied in an office or under a preceptor.

\*\* NOTE.—The title of each book must be stated, followed by any other fact regarding the attainments of the applicant.

This is a form prescribed by the Court for applications for admission to practice law upon examination.

GEO. W. ROOT,  
Clerk of the Supreme Court.

